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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,269	05/22/2000	Michael J. Cummings	A0000278-04-CWA	2684

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Richard R Michaud
The Michaud Duffy Group LLP
306 Industries Park Road
Suite 206
Middletown, CT 06457

EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/576,269

Applicant(s)

CUMMINGS ET AL

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,25-29,32,36,42,45,47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,25-29,32,36,42,45,47 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/25/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 24, 2005 has been entered.

Claim Objections

2. Claims 1, 2, 4, 25-29, 32, 36, 42, 45, 47 and 48 are objected to because of the following informalities:

In claim 1, line 10, "a razor cartridge" appears to be improper since it refers to that previously set forth (both considered to exist in a functional sense), and it seems that "a" should be changed to --said-- or the like; in line 11, "said razor blades defined by" appears to be inaccurate, and it seems that it should be changed to --said at least one razor blade of-- or the like.

In claim 32, line 9, "a razor cartridge" appears to be improper since it refers to that previously set forth (both considered to exist in a functional sense), and it seems that "a" should be changed to --said-- or the like; in line 10, "said razor blades defined

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by” appears to be inaccurate, and it seems that it should be changed to --said at least one razor blade of-- or the like.

In claim 45, line 11, “a razor cartridge” appears to be improper since it refers to that previously set forth (both considered to exist in a functional sense), and it seems that “a” should be changed to --said-- or the like; in line 12-13, “said razor blades defined by” appears to be inaccurate, and it seems that it should be changed to --said at least one razor blade of-- or the like.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 25-28, 32 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Chandler, pn 2,131,498.

Chandler discloses a shaving assembly with every structural limitation of the claimed invention including a plurality of openings (e.g., 21) that are adjacent and surround the razor cartridge receiving area as claimed.

Claim Rejections - 35 USC § 102/103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 45 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Chandler, pn 2,131,498.

Chandler discloses a shaving assembly with every structural limitation of the claimed invention as described above. In the alternative, if it is argued that Chandler does not disclose a plurality of side walls as set forth in claim 45, the Examiner takes Official notice that such a handle configuration, for example a square/rectangular configuration, is old and well known in the art and provides various known benefits relative to round handle configurations including allowing a user to "feel" the blade location without having to look at the shaver, e.g., by feeling the wider flat walls. Therefore, it would have been obvious to one having ordinary skill in the art to provide a plurality of side walls for the well known benefits including those described above.

Claim Rejections - 35 USC § 103

7. Claims 4, 29, 36, 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chandler, pn 2,131,498.

Chandler discloses a shaving assembly with almost every structural limitation of the claimed invention but lacks (a) openings/apertures within the razor cartridge

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receiving area (claims 4, 36, 47 and 48), and (b) lacks the razor cartridges permanently secured to the cap of the body (claim 29).

Regarding (a), the Examiner takes Official notice that it is old and well known in the art to provide openings/apertures within the razor or razor cartridge receiving area for various well known benefits including providing lubricant directly on the blade to further facilitate a smooth and effective shaving action. Pica, pn 2,037,588, Wolpert, pn 2,455,152 and Schauble, pn 4,809,432 are examples of razors with such an opening/aperture configuration. Therefore, it would have been obvious to one having ordinary skill in the art to provide openings/apertures within the razor or razor cartridge receiving area for various well known benefits including those described above.

Regarding (b), the Examiner takes Official notice that it is old and well known in the art to provide such a razor configuration for various well known benefits including providing a cartridge configuration for improved safety in handling razors, e.g., during assembly thereof, while substantially eliminating the possibility of losing or misplacing the razor blade of the shaving assembly once assembled (i.e., to the cap). Therefore, it would have been obvious to one having ordinary skill in the art to provide one or more razor cartridges permanently secured to the cap for the well known benefits including those described above.

Response to Arguments

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
July 25, 2005